

**UNITED STATES DISTRICT COURT
MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

In Re:

**AREDIA® AND ZOMETA® PRODUCTS
LIABILITY LITIGATION**

(MDL No. 1760)

**This Document Relates to:
*Cherry, 3:06-00977***

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**No. 3:06-MD-1760
Judge Campbell/Brown**

ORDER

Pending before the court is NPC's motion to vacate and dismiss. (DE 6627; Related Case 47) Although plaintiff discusses Texas law tangentially in his response to NPC's motion with respect to the rights of "heirs" when a decedent dies intestate (DE 6727, pp. 7-8; Related Case 51), nowhere in the record is it said definitively whether the late Ms. Cherry died testate or intestate. Plaintiff shall supplement the record **NOT LATER THAN** August 14, 2013, advising the court whether the late Ms. Cherry died testate or intestate.

It is so **ORDERED**.

ENTERED this the 7th day of August, 2013.

/s/Joe B. Brown
Joe B. Brown
United States Magistrate Judge